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13 PHOENIX TECHNOLOGIES LTD.

14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA**

16 **OAKLAND DIVISION**

17 PHOENIX TECHNOLOGIES, LTD., a
18 Delaware corporation,

19 Plaintiff,

20 vs.

21 DEVICEVM, INC., a Delaware corporation,
22 and BENEDICT CHONG, an individual,

23 Defendants.

24 DEVICEVM, a Delaware corporation,,

25 Counter-Claimant,

26 vs.

27 PHOENIX TECHNOLOGIES LTD., a Delaware
28 corporation,

29 Counter-Defendant.

30 Case No. 4:09-CV-04697-CW (EDL)

31 **STIPULATION AND ORDER RE:
32 DISMISSAL**

33 Judge: Hon. Claudia Wilken

34 Room: 2, 4th Floor

35 Complaint Filed: July 17, 2009

36 Trial Date: September 19, 2011

1 Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the parties hereby stipulate to
2 the dismissal of this action, including all claims and counterclaims, with prejudice in its entirety with
3 each party bearing its own costs and fees.

4 **K&L GATES LLP**

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6
7 Dated: May 27, 2010

By: /s/

8 Karineh Khachatourian

9
10 Attorneys for Phoenix Technologies Ltd.

11 **O'Melveny & Myers LLP**

12 Dated: May 27, 2010

By: /s/

13 David Enzminger

14 Attorneys for DeviceVM, Inc.

15
16 **ORDER**

17 Upon the parties' stipulation, and good cause appearing therefor,

18 **IT IS SO ORDERED.**

19 Dated: May 27, 2010

20 By:

21 

22 Honorable Claudia Wilken
23 United States District Court Judge

SIGNATURE ATTESTATION

Pursuant to General Order No. 45(X)(B), I hereby attest that I have obtained the concurrence in the filing of this document from all the signatories for whom a signature is indicated by a "conformed" signature (/s/) within this e-filed document and I have on file records to support this concurrence for subsequent production for the court if so ordered or for inspection upon request.

Dated: May 27, 2010

By: /s/

Karineh Khachatourian

Attorneys for Phoenix Technologies Ltd.